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DATE MAILED: 12/22/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/359,527	07/22/1999	PETER G. WEBB	10990641-1	2940
22878	7590 12/22/2005		EXAMINER	
AGILENT TECHNOLOGIES, INC.			FORMAN, BETTY J	
INTELLECT	UAL PROPERTY ADMINI	STRATION, LEGAL DEPT.		
P.O. BOX 7599			ART UNIT	PAPER NUMBER
M/S DL429			1634	-
LOVEL AND	CO 80537-0500			

Please find below and/or attached an Office communication concerning this application or proceeding.

		Application No.	Applicant(s)			
Office Action Summary		09/359,527	WEBB ET AL.			
		Examiner	Art Unit			
		BJ Forman	1634			
	The MAILING DATE of this communication app	ears on the cover sheet with the c	orrespondence address			
	Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS,					
WHIC - Exter after - If NO - Failu Any r	CHEVER IS LONGER, FROM THE MAILING DATES as ions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. period for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 16(a). In no event, however, may a reply be tim rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	l. ely filed the mailing date of this communication. (35 U.S.C. § 133).			
Status						
1)🖂	Responsive to communication(s) filed on <u>05 October 2005</u> .					
2a)⊠	This action is FINAL . 2b) ☐ This action is non-final.					
3)□	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is					
	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
Dispositi	on of Claims					
4)⊠	4)⊠ Claim(s) <u>2-5,8-14,17,49-52 and 55-57</u> is/are pending in the application.					
	4a) Of the above claim(s) is/are withdrawn from consideration.					
· · · · · ·	5) Claim(s) is/are allowed.					
· ·	Claim(s) <u>2-5 8-14 17 49-52 55-57</u> is/are rejected.					
· <u> </u>	') Claim(s) is/are objected to.					
8) Claim(s) are subject to restriction and/or election requirement.						
Applicati	on Papers					
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority (ınder 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of:						
1.☐ Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachmen		_				
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948)	4) 🔲 Interview Summary Paper No(s)/Mail Da				
3) 🔲 Infor	nation Disclosure Statement(s) (PTO-1449 or PTO/SB/08) r No(s)/Mail Date		atent Application (PTO-152)			

FINAL ACTION

Status of the Claims

This action is in response to papers filed 5 October 2005 in which claims 2, 5, 8, 10-12, 17, 49-52, 55-56 were amended and a Terminal Disclaimer was filed. All of the amendments have been thoroughly reviewed and entered.

The previous rejections in the Office Action dated 13 July 2005 under 35 U.S.C. 112, second paragraph are withdrawn in view of the amendments. The previous rejections under 35 U.S.C. 103(a) are maintained. The previous rejection under obviousness-type double patenting is withdrawn in view of the Terminal Disclaimer. Applicant's arguments have been thoroughly reviewed and are discussed below.

The examiner and art unit for this application have changed. Please address future correspondence to BJ Forman, Art Unit: 1634.

Claims 2-5, 8-14, 17, 49-52, 55-57 are under prosecution.

Claim Rejections - 35 USC § 103

Claims 2-5, 8-14, 17, 49-52, 55-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baldeschwieler et al issued 18 January 2000) in view of Weber et al (U.S. Patent No. 4,328,504, issued 4 May 1982).

The rejection is maintained from the previous office action. The text is not reiterated.

Response to Arguments

Applicant asserts that because Weber is not directed to method of fabricating biopolymer arrays, one of ordinary skill in the art would not combine the teachings of Weber and Baldeschwieler. The argument has been considered but is not found persuasive because

Art Unit: 1634

Baldeschwieler specifically teach an <u>Ink</u> Jet Device and computer control of the "<u>ink</u>-jet device" (Example 1). As such, the ink jet art of Weber is analogous to that of Baldeschwieler.

Applicant further asserts that the instant inventors are concerned with problems of correct deposition of biopolymers. Applicant argues that because Weber is concerned with printing ink, which is not a biopolymer, the reference in not properly usable in rejecting the instant claims. The argument has been considered but is not found persuasive because, as stated above, Baldeschwieler is specifically interesting in ink-jet devices. Therefore, art in the ink jet technology is analogous and combinable with Baldeschwieler.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

No claim is allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BJ Forman whose telephone number is (571) 272-0741. The examiner can normally be reached on 6:00 TO 3:30.

Application/Control Number: 09/359,527

Art Unit: 1634

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Jones can be reached on (571) 272-0745. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

BJ Forman, Ph.D. Primary Examiner Art Unit: 1634

December 20, 2005